

#8

40047A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

CHARLES D. KOWNACKI ET AL.

Serial No.: 10/026,674

Filed: December 27, 2001

For: PNEUMATIC ENGINE

Art Unit: 3748

Attn.: Office of Petitions

Nancy Johnson

**PETITION TO CORRECT FILING
DATE UNDER 37 CFR §§1.53(e)(2) and 1.182**

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Sir:

It is respectfully requested under 37 CFR §§1.53(e)(2) and 1.182 that the filing date of the above-identified application be corrected to reflect the original filing date of December 27, 2001. The reference to 37 CFR §1.53(e)(2) as a basis for this petition reflects the suggestion of the Office of Petitions during a telephone conference with the undersigned; however, as explained below, the Applicants do not believe that there was any failure in meeting the filing date requirements under 37 CFR 1.53(e)(1).

As noted on the original Filing Receipt dated 03/08/2002 (copy enclosed), the filing date of the above-identified application is December 27, 2001. Additionally, as clearly shown in the application file, this application was completed in compliance with 37 C.F.R. §§1.53(f), 1.175(d)

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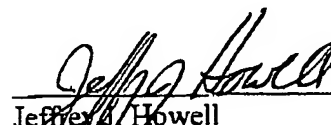
OFFICE OF PETITIONS

and 1.136(a). Specifically, Applicants filed declarations executed by the available inventors, a petition under 37 CFR §1.47(a) for the unavailable inventor, consent of the assignee, Assignee's statement under 37 CFP §3.73(b) and the required filing fees within the allowed period for response to the Notice of Missing Parts, as extended under 37 CFR §1.136(a).

A copy of an updated filing receipt with the filing date of December 27, 2001 is respectfully requested.

Since this application has been assigned an incorrect filing date due to error on the part of Patent Office personnel, no Patent Office fees, including a petition fee, are believed to be due with this communication; however, any fee deficiency in connection with this communication can be applied against Deposit Account No. 18-2220. The Commissioner is also invited to contact the undersigned at the number indicated below for any further information or clarification deemed necessary.

Respectfully submitted,



Jeffrey A. Howell
Reg. No. 46,402

Roylance, Abrams, Berdo & Goodman, L.L.P.
1300 19th Street, N.W., Suite 600
Washington, D. C. 20036
(202) 659-9076

Date: September 2, 2003

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/026,674	12/27/2001	3748	0.00	40047A	6	26	6

CONFIRMATION NO. 7082

001609

ROYLANCE, ABRAMS, BERRO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON, DC 20036

FILING RECEIPT



OC00000007603220

Date Mailed: 03/08/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Charles D. Kowanacki, Erie, PA;
Jeffrey G. Rehkemper, Chicago, IL;
Ronnen Harary, Toronto, CANADA;

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Domestic Priority data as claimed by applicant

THIS APPLICATION IS A REI OF 09/178,595 10/26/1998 PAT 6,006,517
WHICH CLAIMS BENEFIT OF 60/081,045 04/09/1998

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Foreign Applications

If Required, Foreign Filing License Granted 03/07/2002

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Pneumatic engine

Preliminary Class

mtfjsh

Doc'd	<i>CH</i>	File	<i>40047A</i>
Rec'd			
MAY 11 2002			
ROYLANCE, ABRAMS BERRO & GOODMAN, L.L.P.			
BY	<i>[Signature]</i>		

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PTO/SB/21 (08-03)

Approved for use through 08/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/028,674	
	Filing Date	December 27, 2001	
	First Named Inventor	Charles D. Kownacki et al.	
	Art Unit	3748	
	Examiner Name		
Total Number of Pages in This Submission	5	Attorney Docket Number	40047A

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Jeffrey J. Howell
Signature	Roylance Abrams, Berdo & Goodman LLP
Date	September 2, 2003

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Jeffrey J. Howell		
Signature	<i>Jeffrey J. Howell</i>	Date	September 2, 2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (08-03)

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FEE TRANSMITTAL

for FY 2003

Effective 01/01/2003, Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

Complete if Known

Application Number 10/026,674
 Filing Date December 27, 2001
 First Named Inventor Charles D. Kownacki et al.
 Examiner Name
 Art Unit 3748
 Attorney Docket No. 40047A

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METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:
 Deposit
 Account
 Number
 Deposit
 Account
 Name

18-2220

Roylance et al.

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 750	2001 375	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 84	2201 42	Independent claims in excess of 3
1203 280	2203 140	Multiple dependent claim, if not paid
1204 84	2204 42	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 410	2252 205	Extension for reply within second month	
1253 930	2253 465	Extension for reply within third month	
1254 1,450	2254 725	Extension for reply within fourth month	
1255 1,970	2255 985	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,300	2453 650	Petition to revive - unintentional	
1501 1,300	2501 650	Utility issue fee (or reissue)	
1502 470	2502 235	Design issue fee	
1503 630	2503 315	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 750	2809 375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 750	2810 375	For each additional invention to be examined (37 CFR 1.129(b))	
1801 750	2801 375	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

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SUBMITTED BY

Name (Print/Type)

Jeffrey J. Howell

Registration No. (Attorney/Agent)

46,402

Telephone 202-659-9076

Signature

Jeffrey J. Howell

Date

September 2, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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